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*REPORT TO THE COMMITTEE*      094059  
*ON LABOR AND PUBLIC WELFARE*  
*UNITED STATES SENATE*



LM094059

Dissemination Of Safety And Health  
Standards To Businesses Subject  
To The Occupational Safety And  
Health Act Of 1970      B-163375

Department of Labor

*BY THE COMPTROLLER GENERAL  
OF THE UNITED STATES*

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DEC. 13, 1973



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

B-163375

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The Honorable Harrison A. Williams, Jr.  
Chairman, Committee on Labor and  
Public Welfare  
United States Senate

*S. 1100*

Dear Mr. Chairman:

This is the third in a series of reports in response to your letter of June 22, 1972, requesting us to review aspects of the Occupational Safety and Health Act of 1970 being carried out by the Occupational Safety and Health Administration (OSHA), Department of Labor. This report concerns OSHA's efforts to publish and disseminate safety and health standards.

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Our review showed that OSHA expended considerable effort to complete the tasks of compiling and disseminating its initial safety and health standards. We noted, however, that copies of the standards and the numerous subsequent revisions had not been printed in sufficient quantities to meet the needs of businesses required to comply with the act. OSHA also experienced delays and problems in disseminating the printed material, which further limited its ability to inform the affected businesses of their responsibilities.

We believe that most of the problems encountered by OSHA can be attributed to the fact that (1) it was a newly created agency, undertaking a newly enacted safety and health program and the dissemination of related standards, (2) it did not have an adequate data base upon which to reliably estimate the number of copies of standards required to meet the needs of affected businesses, and (3) the OSHA staff was inexperienced at such a large undertaking and initially was unaware of the complexities involved in the Federal regulatory and printing processes within both the Department of Labor and the Government Printing Office (GPO).

OSHA has taken various actions to improve the dissemination of standards.

BACKGROUND

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et. seq.) was approved on December 29, 1970, and became

effective on April 28, 1971. The intention of the act is to create safe and healthful working conditions for employees, and it covers about 60 million persons in the civilian labor force. OSHA estimates that there are approximately 5 million businesses subject to the act.

The Secretary of Labor was given the responsibility for administering the act. He delegated this responsibility to the Assistant Secretary for Occupational Safety and Health by creating OSHA on April 28, 1971.

Sections 6 and 8 of the act authorize the Secretary of Labor to establish and enforce--through inspections at work-sites--mandatory occupational safety and health standards. The standards were to consist of rules for avoiding the hazards which research and experience have proven to be harmful.

After the act became effective, one of OSHA's first tasks was to develop and publish occupational safety and health standards. OSHA promulgated its initial standards in the May 29, 1971, Federal Register. OSHA has classified most of its standards into four basic industries: agriculture, construction, maritime, and general industry.

The initial standards consisted of (1) construction standards first set forth on April 17, 1971, under the Contract Work Hours and Safety Standards Act (40 U.S.C. 333), (2) maritime standards which first became effective on March 21, 1960, under the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941), and (3) general industry and agriculture standards which were basically national consensus standards developed by the American National Standards Institute, Inc., and by the National Fire Protection Association and standards for Federal supply and service contracts developed under the Walsh-Healey Act (41 U.S.C. 35 et. seq.) and the Service Contract Act of 1965 (41 U.S.C. 351).

OSHA's Office of Management Services in its Washington, D.C., headquarters is responsible for maintaining an adequate supply of copies of the standards and for disseminating them to the public, upon request, and distributing them to regional and area offices for further dissemination. OSHA's regional and area offices are responsible for disseminating standards to businesses at the time of inspection and upon request.

We reviewed OSHA's policies and procedures for establishing, publishing, and disseminating standards to businesses affected by the act. We examined related documents, reports, and records and obtained comments from OSHA officials. Our

review was made at OSHA headquarters and at 3 of its 10 regional offices in Atlanta, Dallas, and San Francisco. We also sent questionnaires to 414 businesses which were randomly selected and were located in the 3 regions and which had been inspected and cited for violations by OSHA. We asked whether they had received a copy of the applicable standards and revisions before OSHA's inspection.

POLICY ON PUBLISHING AND  
DISSEMINATING STANDARDS

The act requires that OSHA publish all occupational safety and health standards and revisions in the Federal Register. The publication of the standards in the Federal Register constitutes notice to all affected businesses, and it is the burden of each business to be aware of the pertinent standards. The act does not require OSHA to disseminate copies of the standards to businesses subject to the act.

OSHA's policy, however, is to send copies of the standards to any businesses requesting them, at no cost, as quickly as possible. OSHA disseminates the standards through its headquarters, regional offices, and area offices, upon request, on a first-come-first-served basis. Copies of the standards are also to be made available to the public, for 20 cents each, through GPO. OSHA has decided that the standards would be disseminated as reprints from the Federal Register.

In an August 1972 letter to regional administrators, the Office of Management Services reaffirmed OSHA's policy that everyone who requested a copy of the standards from OSHA should be given one up-to-date set at no cost. The letter also stated that (1) requests for bulk quantities were not to be encouraged and were to be sent to GPO and (2) all OSHA publicity should direct the public to GPO as the main source of supply.

In addition, OSHA enlisted the aid of trade associations, employer groups, organized labor, chambers of commerce, insurance companies, and the National Safety Council to disseminate copies of the standards. Many trade associations, particularly those affected by OSHA's programs, excerpted those standards applicable to their particular industries and disseminated them to their members.

OSHA's policy of disseminating the standards upon request and through trade associations and similar organizations is generally consistent with the statutory requirements and policies of other Federal regulatory agencies. These include the Food and Drug Administration in the Department of Health,

Education, and Welfare, which issues regulations covering about 38,000 drug producers and food establishments, and the Coast Guard in the Department of Transportation, which issues regulations covering 20,000 manufacturers of boats and boating equipment.

PROBLEMS NOTED IN PRINTING  
AND DISSEMINATING STANDARDS

General industry and agriculture standards

OSHA officials decided in April 1971 that 300,000 copies of the general industry standards--which included the four agriculture standards--would be sufficient to meet requests. They also decided to recommend to GPO that it print an additional 150,000 copies to sell.

The officials informed us that the decisions on the number of copies to be printed were based primarily on the following factors:

- It was a new publication and there was no way to determine how it would be received by the public, and OSHA had not determined that the planned method of disseminating the standards was best.
- It was tentatively planned, at that time, that the standards would be revised by OSHA and that the complete standards, with all revisions incorporated, would be printed again in about a year. OSHA did not want to have to dispose of a large number of outdated copies.
- It was necessary to establish the demand to determine the required supply.

Although the OSHA officials were aware of the large number of employers (and employees) affected by the act, they believed that 450,000 copies of the general industry standards would be sufficient to meet the demand of the first year. However, after receiving the initial 300,000 copies in June 1971, OSHA's supply was rapidly exhausted because of the large number of requests it received for copies. Consequently, OSHA had to order additional printings of 100,000 copies in August 1971, February 1972, and April 1972, which brought the number of copies printed for OSHA to 600,000.

Although OSHA recommended that GPO print 150,000 additional copies of the standards, GPO initially printed only 39,000 copies in June 1971, including 29,000 for subscribers

to the Federal Register and 10,000 for sale purposes. The 10,000 copies were all sold the first day they were put on sale. To meet demands GPO printed approximately 472,900 copies.

In total approximately 1,072,900 copies of the May 29, 1971, issue of the general industry standards had to be printed because of the heavy demand.

OSHA extracted the four agricultural standards set forth in the May 29, 1971, Federal Register and published them in a separate pamphlet. In August 1971 OSHA received 25,000 copies of the pamphlet printed by GPO for dissemination to farmers through the county agents of the Department of Agriculture. OSHA eventually ordered four additional printings of the pamphlet to meet the demand. In total 340,000 copies of the agriculture standards had to be printed for OSHA. GPO did not print any copies for sale or subscription purposes.

#### Construction standards

Department officials decided that an initial printing of 175,000 copies would be sufficient. OSHA officials stated that these printings were based on anticipated demands formulated from contacts with contractor trade associations and unions.

GPO printed 29,000 copies for subscribers to the Federal Register and 29,600 additional copies for sale purposes. The demand was underestimated and OSHA's and GPO's supplies were rapidly exhausted. Additional printings amounting to 623,300 copies had to be made to meet demands, bringing the total printed to 856,900.

#### Maritime standards

OSHA adopted the maritime standards published under an earlier act by the Department's old Bureau of Labor Standards, and it acquired about 25,000 copies of the Bureau's maritime standards. These copies were disseminated immediately and the supply was exhausted by May 1971. OSHA's supply of the maritime standards was not replenished until December 1972, when it received 140,000 copies of the revised maritime standards published in the October 19, 1972, Federal Register.

OSHA officials said that OSHA had planned to revise and reprint the maritime standards before October 1972, but these plans were delayed because of problems involved in transferring maritime inspection authority from the Bureau of Labor

Standards to OSHA. They also said that another reason for the delay was that OSHA wanted to issue the maritime standards in an up-to-date form for use in its subscription service, which was to start early in 1973.

#### Number of copies printed

As of March 1973 a total of about 2.3 million copies of the initial standards promulgated in the May 1971 Federal Register had been printed. Of those printed, 1.2 million copies were disseminated to businesses, trade associations, and other organizations by OSHA headquarters and GPO; and about 900,000 copies were distributed to OSHA regional offices for further dissemination.

The following schedule shows for each type of standard--except the maritime standards--the number of copies initially printed, the number subsequently printed, and the total number disseminated and distributed to OSHA field offices for further dissemination, as of March 1973.

Maritime standards are excluded because, as previously stated, OSHA had acquired 25,000 copies of the adopted maritime standards published under an earlier act and it did not print any additional copies until the standards were revised.

<u>Type of standard</u>	<u>Copies initially printed</u>	<u>Copies eventually printed</u>	<u>Copies disseminated or distributed at time of GAO review</u>
General industry	339,000	1,072,900	1,022,900
Agriculture	25,000	340,000	222,100
Construction	233,600	856,900	835,900
Total	<u>597,600</u>	<u>2,269,800</u>	<u>2,080,900</u>

#### Printing and disseminating revisions to standards

Through March 1973 OSHA made numerous revisions to its four basic industry standards. OSHA classified the revisions as (1) clarifications of requirements and their applicability, (2) updating standards due to changes in national consensus standards, (3) changes in the effective date of some standards to allow time for compliance, and (4) revocation of previously established standards.

Revisions to the standards are published, printed, and disseminated in the same manner as the initial standards. OSHA had revisions published in 36 issues of the Federal Register and had about 3.5 million copies of the various revisions printed. One complete revision to the general industry standards published in October 1972 accounted for 1.5 million copies; a revision to the construction standards published in December 1972 accounted for 729,000 copies; and other revisions accounted for 500,000 copies. The remaining 800,000 copies were accounted for by the printing of 6 pamphlets comprising many revisions of standards relating to general industry and construction. GPO also printed an estimated total of 1 million copies of the revisions for the subscribers to the Federal Register.

As of March 1973, approximately 4 million of the 4.5 million copies of printed revisions had been disseminated to individuals, businesses, trade associations, other organizations, and regional offices for further dissemination.

No guidelines on dissemination  
of standards by regional offices

The Office of Management Services has not issued any overall guidelines instructing OSHA regional administrators in the dissemination of standards. We reviewed the procedures followed in disseminating available copies of standards at three OSHA regional offices--Atlanta, Dallas, and San Francisco.

The regional offices disseminated most of the copies upon written, telephone, or walk-in requests--on a first-come-first-served basis--or during inspections of worksites by OSHA inspectors. Regional officials also disseminated copies of some standards during speaking engagements, seminars, training sessions, and conventions. The officials stated that firms also received copies from other sources, such as subscriptions to the Federal Register, trade associations, unions, professional societies, and insurance firms.

The following table shows the approximate number of copies of the standards distributed to the three offices, the number disseminated, and the number on hand at the time of our fieldwork in November 1972.

<u>Regional offices</u>	Copies distributed to <u>regional offices</u>	<u>Copies disseminated</u>	Copies on <u>hand</u>
Atlanta	101,600	74,000	27,600
Dallas	64,200	37,700	26,500
San Francisco	70,900	61,400	9,500

#### Delays in filling requests for standards

OSHA headquarters and the three regional offices visited were not able to fill requests for copies of the standards and the revisions in a timely manner because supplies were depleted and reprinting had to be ordered several times.

The policy OSHA headquarters established requires regional offices to maintain a 3-month supply of the standards and headquarters to maintain a 6-month supply. The policy was established because GPO needs at least 6 weeks to fill requests for printing additional copies.

An example of OSHA's inability to fill requests in a timely manner is the dissemination of the agriculture standards, which were set forth in the May 29, 1971, Federal Register. OSHA headquarters received 25,000 copies in August and 15,000 copies in October. Headquarters experienced a heavy demand for the standards and by January 1972 all the copies had been given out.

In January 1972, 50,000 additional copies were ordered from GPO and they were received in March. While waiting for the additional copies, OSHA headquarters received many more requests for copies. Without copies of the standards on hand, OSHA was unable to fulfill the orders promptly. Delays ranged from 1 to 3 months.

Similarly, OSHA's supply of the construction standards promulgated in the May 29, 1971, Federal Register was depleted and delays occurred in sending copies to those who requested them. A total of 175,000 copies of these standards were received from GPO in April 1971 and another 10,000 in September. By January 1972 all these copies were gone and OSHA ordered 100,000 additional copies which were received in March. In the meantime, OSHA was unable to fill the numerous requests for copies of the standards because it did not have copies. Delays ranged from 1 to 2-1/2 months.

OSHA headquarters and regional offices also delayed filling requests for some of the revisions to the standards, again because of an insufficient supply. For example, various revisions of the general industry standards were printed in the August 13, 1971, Federal Register and OSHA received 36,500 copies in September 1971 from GPO. OSHA sent 15,000 copies to its regional offices and by November all copies had been given out. In December OSHA ordered 30,000 additional copies, which were received in January 1972. During November and December 1971 there were requests for approximately 8,800 copies, from a business firm, an individual, OSHA headquarters, and regional offices, which could not be filled because OSHA did not have copies. Delays in furnishing requested copies ranged from 1 to 4 months.

Reaction of business to OSHA's  
dissemination of standards

To secure information on OSHA's dissemination of the safety and health standards to firms, we sent questionnaires to 414 randomly selected firms. The firms were located in 13 States within OSHA's Atlanta, Dallas, and San Francisco regions. These firms represented about 10 percent of those inspected and cited for violating OSHA standards in the three regions during fiscal year 1972. Both large and small firms involved in activities relating to general, construction, and maritime industries were selected. We received responses from 323 firms, or about 78 percent of those solicited. The responses are discussed below.

- In response to our question on whether they had received copies of the standards before being inspected by OSHA, 218 firms said that they had but 96 firms said that they had not. Nine firms did not respond to this question.
- Of the 218 firms which had copies before inspection, 138 said they had obtained them on their own from trade associations, insurance companies, etc., and 80 firms said they had received copies from OSHA.
- Of the 80 firms which received copies of the standards from OSHA, all but 10 stated that they had to request OSHA to furnish the copies and most of these firms claimed they had difficulties in obtaining copies. The firms stated that they had requested copies from OSHA several times and that they had waited to receive them.

The survey also revealed that 27 firms did not receive a copy of the standards at the time of inspection although OSHA's compliance operations manual requires that OSHA's compliance officers provide firms with a copy of the safety and health standards at the opening conference before the inspection. Twelve firms stated that they never received copies of the standards.

#### Agency comments

Office of Management Services officials advised us that shortages in its standards' inventories and delays in filling the requests occurred primarily because (1) neither OSHA nor GPO had any idea of what the demand for the standards would be because they had no similar document to use as a guide, (2) they were not being notified sufficiently in advance that a large number of copies would be needed for dissemination at safety and health meetings and conferences, (3) huge quantities of the standards were absorbed at various safety and health meetings, which depleted supplies faster than anticipated, (4) there was a lack of adequate warehouse space to store copies of the standards, and (5) under existing procedures OSHA regional officials could order copies of the standards directly from the headquarters' warehouse without notifying the Office of Management Services of the copies requested and received.

We were also advised by a former Office of Management Services official that other factors contributing to problems encountered by OSHA were that (1) the process of standards promulgation through the Federal regulatory process was a continual one, with constant additions, deletions, and changes, and that (2) the OSHA staff was inexperienced at such a large undertaking and was unaware at the start of the complexities involved in the regulatory and printing processes both within the Department of Labor and GPO.

#### CONGRESSIONAL COMMITTEE REVIEW OF DISSEMINATION OF STANDARDS

The Subcommittee on Environmental Problems Affecting Small Business of the House Select Committee on Small Business held hearings in June 1972 on the impact of the Occupational Safety and Health Act of 1970 on small businesses. The Subcommittee investigated several areas, including (1) the development and content of occupational safety and health standards and regulations as they relate to small business and (2) the extent to which small businessmen have been able to ascertain what is required of them by the act and OSHA.

In its August 1972 report<sup>1</sup> the Subcommittee noted that, even though the Department of Labor testified that trade organizations were in a good position to issue publications regarding OSHA regulations pertaining to their membership, the Subcommittee believed that the issuing of these publications was more properly a function of the Government and that if the trade organizations can issue such publications then so can the Department of Labor.

The Subcommittee recommended to the Department that OSHA (1) revise existing occupational safety and health standards to make them clear, concise, and comprehensible so that small businessmen can know what is required of them; (2) develop a more comprehensive and aggressive public information program to inform small businessmen of the content of standards as they relate to their particular businesses; and (3) develop uniform interpretations of standards to insure consistent application throughout the Nation.

#### OSHA'S EFFORTS TOWARD IMPROVEMENTS

In responding to the Subcommittee's recommendations, OSHA stated that it had

- developed a broad program to inform small businessmen about standards and their relation to specific businesses,
- issued a "Guide to Standards" to provide a breakdown, by hazard, of all OSHA standards, and
- completed publication of a booklet, "All About OSHA," which should provide employers with a better understanding of OSHA policies and procedures.

OSHA also stated that it planned to revise the original standards to make them easier to read and understand. To make sure that standards are uniformly interpreted and applied nationally, OSHA said that (1) it had developed a series of internal program directives, (2) these directives would be issued only by the OSHA Office of Standards to insure consistent interpretation and application of the standards, and (3) all regional interpretations would be coordinated with OSHA headquarters.

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<sup>1</sup>H. Rept. 92-1341, 92d Cong., 2d sess.

Interpretations will be published in the Federal Register and will be available through the OSHA subscription service, which was begun in April 1973. The subscription service will provide employers with readily available, up-to-date, comprehensive information--in looseleaf form and at low cost--about OSHA activities. The service will include standards, interpretations, regulations, and operational procedures and will be available through GPO.

OSHA believes that further improvement in dissemination of standards and its public relations program should result from the reorganization of OSHA headquarters in November 1972. As a result of the reorganization, OSHA established the Division of Communications Management, Office of Management Services, to be directly responsible for disseminating standards to the public and controlling the distribution of the standards to OSHA regional and area offices for further dissemination.

#### CONCLUSIONS

OSHA expended considerable effort to complete the tasks of compiling and disseminating its initial occupational safety and health standards. However, sufficient copies of the standards and subsequent revisions had not been printed to meet the needs of businesses requesting them. OSHA experienced problems in disseminating the printed material, which further limited its ability to inform the affected firms of their responsibilities.

We believe that most of OSHA's problems can be attributed to the fact that (1) it was a newly created agency, undertaking a newly enacted safety and health program and the dissemination of related standards, (2) it did not have an adequate data base upon which to reliably estimate the number of copies of standards required to meet the needs of affected businesses, and (3) the OSHA staff was inexperienced at such a large undertaking and initially was unaware of the complexities involved in the Federal regulatory and printing processes within both the Department of Labor and the GPO.

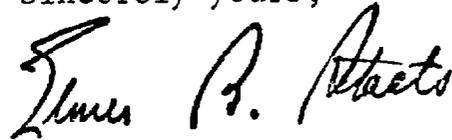
As OSHA gained experience it became aware of the problems in disseminating the standards and took action to improve dissemination, including printing larger numbers of copies of the revisions and distributing more copies to the regional offices. In addition, OSHA, in response to the Subcommittee's recommendations, published a "Guide to Standards" which provided a breakdown by hazard of all standards and established a subscription service to provide businesses with copies of the standards.

The above actions taken and planned by OSHA show an awareness of the problems and a desire to see that dissemination of the standards to businesses is improved. We believe that the reorganization of its Washington headquarters and the subscription service--if properly implemented--should insure that copies of the standards and the revisions are available to meet requests by businesses.

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Copies of this report are being sent to the Secretary of Labor; the Chairman, Select Subcommittee on Labor, House Committee on Education and Labor; the Chairman, Subcommittee on Environmental Problems Affecting Small Business, House Select Committee on Small Business; and Representative William A. Steiger.

Sincerely yours,

A handwritten signature in cursive script that reads "James B. Axtell". The signature is written in dark ink and is positioned above the typed name and title.

Comptroller General  
of the United States